

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Buhner	Team: Squad #16	CCRB Case #: 201402848	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/21/2014 4:30 PM	Location of Incident: § 87(2)(b) and at the 24th Precinct	Precinct: 28	18 Mo. SOL 9/21/2015	EO SOL 9/21/2015	
Date/Time CV Reported Tue, 03/25/2014 2:34 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 03/25/2014 2:34 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Rosetta Rosendaryphillips	10544	900614	028 PCT
2. POM Torrel Rowsingleton	15378	949912	028 PCT
3. LT Thomas Kelly	00000	936854	028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Jeffrey Tuechler	00000	898670	024 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Rosetta Rosendaryphillips	Abuse: PO Rosetta Rosendary-Phillips entered and searched § 87(2)(b).	§ 87(2)(b)
B.POM Torrel Rowsingleton	Abuse: PO Torrel Rowe-Singleton entered and searched § 87(2)(b).	§ 87(2)(b)
C.POF Rosetta Rosendaryphillips	Abuse: At § 87(2)(b), PO Rosetta Rosendary-Phillips threatened to arrest § 87(2)(b) Amadugu.	§ 87(2)(b)
D.LT Thomas Kelly	Abuse: Lt. Thomas Kelly entered and searched § 87(2)(b).	§ 87(2)(b)
E.POF Rosetta Rosendaryphillips	Discourtesy: § 87(2)(b), PO Rosetta Rosendary-Phillips spoke rudely to § 87(2)(b) Amadugu.	§ 87(2)(b)
F.POF Rosetta Rosendaryphillips	Discourtesy: Inside the 24th Precinct stationhouse, PO Rosetta Rosendary-Phillips spoke rudely to § 87(2)(b).	§ 87(2)(b)
G.POF Rosetta Rosendaryphillips	Abuse: Inside the 24th Precinct stationhouse, PO Rosetta Rosendary-Phillips refused to provide her name to § 87(2)(b).	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On March 21, 2014, at approximately 4:30p.m., § 87(2)(b) received a call from her § 87(2)(b) -old son, § 87(2)(b) informing her that two officers, PO Rosendary-Phillips and PO Rowe-Singleton, were knocking on the front door. Accompanying the officers was § 87(2)(b) the father of § 87(2)(b) § 87(2)(b) s § 87(2)(b) -old-son. § 87(2)(b) had a court order for temporary custody of the child. § 87(2)(b) ended the call with § 87(2)(b) and then received a call from a female who identified herself as a police officer, stating that she was going to break down her door (**Allegation A**) to look for § 87(2)(b) § 87(2)(b) then informed the officer that the child was with her.

§ 87(2)(b) a friend of § 87(2)(b) s who was staying at the apartment, opened the door. Upon doing so, PO Rosendary-Phillips and PO Rowe-Singleton allegedly entered the apartment, and PO Rosendary-Phillips conducted a room to room search for the child (**within Allegation A and Allegation B**) Furthermore, PO Rosendary-Phillips allegedly told § 87(2)(b) that he was going to be arrested because he did not open the door (**Allegation C**). Lt. Kelly arrived on the scene on the request of the officers, entered the apartment and allegedly searched the refrigerator (**Allegation D**). § 87(2)(b) was on the phone with § 87(2)(b) at this time, and she heard PO Rosendary-Phillips use various discourtesies towards § 87(2)(b) (**Allegation E**).

§ 87(2)(b) then went with § 87(2)(b) to the 24<sup>th</sup> Precinct stationhouse, and she was told by an officer to wait there. PO Rosendary-Phillips and PO Rowe-Singleton arrived a short time later, and PO Rosendary-Phillips showed § 87(2)(b) the court order upon her request. § 87(2)(b) asked who PO Rosendary-Phillips was, and she replied that she did not have time for this “shit” (**Allegations F and G**) § 87(2)(b) then left with § 87(2)(b)

### Mediation, Civil and Criminal Histories

- § 87(2)(b) was offered mediation and stated she wanted to think about it, but to date she has not provided the CCRB with a response.
- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of December 4, 2014 (encl. 5G). A second Notice of Claim inquiry was submitted on March 4, 2015, and will be added to the case file upon its return.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED].

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl.2D)
- PO Rosendary-Phillips has been a member of the NYPD for 23 years, and has had 15 previous CCRB allegations involving eight cases with one substantiated allegation for threat of force, case #200203859. The Board recommended charges, and the NYPD disposition was Command Discipline – A. § 87(2)(g)  
[REDACTED]
- PO Rowe-Singleton has been a member of the NYPD for three years, and has had seven previous CCRB allegations involving three cases with one substantiated allegation for physical force, case #201304664. The Board recommended charges, but the NYPD disposition is currently

unavailable. § 87(2)(g)

- Lt. Kelly has been a member of the NYPD for ten years, and has one previous CCRB allegation involving one case with no substantiated allegations. § 87(2)(g)

### **Potential Issues**

- Multiple attempts were made to contact § 87(2)(b) in regards to this case via mail. No phone number could be located for § 87(2)(b) despite searches of all available databases, and § 87(2)(b) declined to provide the CCRB with his contact information. The letters were not returned to the CCRB by the US Postal Service, but § 87(2)(b) has not contacted the CCRB to date.
- Multiple attempts were also made to obtain a sworn statement from § 87(2)(b). Six calls were placed to § 87(2)(b) in order to reach § 87(2)(b) but they were all unsuccessful.

- § 87(2)(g)

### **Finding and Recommendations**

#### **Explanation of Subject Officer Identification**

Officer descriptions were provided by § 87(2)(b) and the physical descriptions were cross referenced with the roll call and the MOS photos. Additionally, all these officers acknowledged being involved in the incident.

#### **Allegations Not Pleaded**

- § 87(2)(g)
- § 87(2)(g)

#### **Recommendations**

**Allegation A – PO Rosetta Rosendary-Philips entered and searched** § 87(2)(b)

**Allegation B –PO Torrel Rowe-Singleton entered and searched** § 87(2)(b)

**Allegation D – Lt. Thomas Kelly entered and searched § 87(2)(b)**

It is undisputed that PO Rosendary-Phillips and PO Rowe-Singleton entered and searched § 87(2)(b)'s residence and that after calling for a supervisor, Lt. Kelly entered the location as well.

§ 87(2)(b) went to the 28<sup>th</sup> Precinct stationhouse to request police assistance to execute his temporary custody order, which was issued in New Jersey (encl. FRI-FR7). PO Rosendary-Phillips and PO Rowe-Singleton then accompanied § 87(2)(b) to § 87(2)(b)'s residence to attempt to locate § 87(2)(b) the child in common with § 87(2)(b).

Upon arriving at the apartment, PO Rosendary-Phillips and PO Rowe-Singleton knocked on the door, and PO Rosendary-Phillips heard someone inside of the apartment, though no one answered the door. She then allegedly heard a young boy, identified via the investigation as § 87(2)(b) § 87(2)(b)'s § 87(2)(b) year-old-son, whose father is not § 87(2)(b) § 87(2)(b) called § 87(2)(b) and apprised her of the situation, and § 87(2)(b) instructed him to not open the door. As a result, § 87(2)(b) said to the officers through the closed door that he was not allowed to open it.

§ 87(2)(b) then awoke § 87(2)(b) a friend staying in the apartment, and he came to the front door and opened the peephole. PO Rosendary-Phillips instructed § 87(2)(b) to open the door, and that if he did not comply, the door would be taken down by the Emergency Services Unit. § 87(2)(b) also alleges that PO Rosendary-Phillips called her on her cell phone and also informed her that her door would be broken down. After receiving that phone call, § 87(2)(b) called § 87(2)(b) and overheard PO Rosendary-Phillips say to § 87(2)(b) "I'm going to fucking arrest you", as well as "I told you to hang up the fucking phone". § 87(2)(b) then hung up the phone.

§ 87(2)(b) eventually opened the door, and according to both officers, allegedly invited them in by gesturing with his left hand, though he did not provide any verbal consent. PO Rosendary-Phillips and PO Rowe-Singleton, and after arriving on scene Lt. Kelly, all entered the apartment. Lt. Kelly remained in the living room, and PO Rosendary-Phillips asked § 87(2)(b) if anyone else was in the apartment, and he replied there was not. PO Rosendary-Phillips then looked into the various rooms in the apartment, without entering them, and was satisfied that § 87(2)(b) was not present.

While still at the apartment, PO Rosendary-Phillips overheard § 87(2)(b) while she was on the phone with § 87(2)(b) say that she was at the 241<sup>st</sup> Precinct stationhouse. PO Rosendary-Phillips then called the stationhouse and instructed the officers to not let § 87(2)(b) and her child leave. At that point, PO Rosendary-Phillips, PO Rowe-Singleton, and Lt. Kelly left the location.

§ 87(2)(g)

§ 87(2)(b) section 77-j, subsection five, of the Uniform Child Custody Jurisdiction and Enforcement Act. Subsection five states that, "If the court finds ...that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property in order to execute the warrant and take physical custody of the child. If required by exigent circumstances of the case and necessary to the protection of the child, the court may authorize law enforcement officers to make a forcible entry at any hour" (encl. I Q).

§ 87(2)(g)

§ 87(2)(g)

**Allegation C – § 87(2)(b) PO Rosetta Rosendary-Phillips threatened to arrest § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b) alleged that PO Rosendary-Phillips threatened to arrest § 87(2)(b) at § 87(2)(b)'s residence twice, once because he hesitated to open the front door and the second because he refused to hang up the phone with § 87(2)(b) while the officers were in the apartment. However, PO Rosendary-Phillips denied making these threats, and PO Rowe-Singleton, and Lt. Kelly also denied hearing PO Rosendary-Phillips threaten to arrest § 87(2)(b).

§ 87(2)(g)

**Allegation E – § 87(2)(b) PO Rosetta Rosendary-Phillips spoke rudely to § 87(2)(b)**

It is undisputed that PO Rosendary-Phillips interacted with § 87(2)(b) at § 87(2)(b).

§ 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that PO Rosendary-Phillips used profanities with § 87(2)(b) while inside § 87(2)(b)'s residence. Although § 87(2)(b) provided a phone statement, he never returned the notarized form as required in order for his statement to be considered a sworn statement. However, § 87(2)(b) also alleged that PO Rosendary-Phillips spoke rudely to § 87(2)(b) as she was on the phone with him and overheard a female voice say, “I’m going to fucking arrest you”, and “I told you to hang up the fucking phone”. She was aware that the voice belonged to PO Rosendary-Phillips because she recognized her voice from the previous phone call, and § 87(2)(b) also confirmed that it was PO Rosendary-Phillips who allegedly spoke rudely to him.

§ 87(2)(g)

§ 87(2)(g)

**Allegation F – Inside the 24<sup>th</sup> Precinct stationhouse, PO Rosetta Rosendary-Phillips spoke rudely to**

§ 87(2)(b)

**Allegation G – Inside the 24<sup>th</sup> Precinct stationhouse, PO Rosetta Rosendary-Phillips refused to provide her name to**

§ 87(2)(b)

At the 24<sup>th</sup> Precinct stationhouse, § 87(2)(b) alleged that PO Rosendary-Phillips, in response to § 87(2)(b) asking her who she was, said, “I don’t have time for this shit”. However, in her sworn statement, witness § 87(2)(b) who was present at the stationhouse, repeated the same use of profanity, but stated that it was in response to § 87(2)(b) asking how § 87(2)(b) had been granted temporary custody of § 87(2)(b) and was not directed at anyone in particular.

Although Inv. Omolade did not address § 87(2)(b)’s alleged question of “Who are you?” directed to PO Rosendary-Phillips, it is unclear if this was a request for the officer’s name, and PO Rosendary-Phillips explicitly denied responding to § 87(2)(b) at any point by saying, “I don’t have time for this shit”. Furthermore, she denied directing any profanity in response to any statements or questions posed by § 87(2)(b) inside the 24<sup>th</sup> Precinct stationhouse. Furthermore, PO Rowe-Singleton did not hear her use any profanity in response to anything that § 87(2)(b) said to PO Rosendary-Phillips. Lt. Kelly was not present at the stationhouse when this allegedly occurred. § 87(2)(b) corroborated the use of profanity, but stated that it occurred under different circumstances. § 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

